



BRYAN CAVE LEIGHTON PAISNER LLP
1290 Avenue of the Americas
New York NY 10104 3300
T: +1 212 541 2000
F: +1 212 541 4630
bcplaw.com

January 12, 2022

Matias R. Gallego-Manzano
Associate
Direct: +1 212 541 2048
Fax: +1 212 261 9848
matias.gallego-manzano@bcplaw.com

VIA ECF

Hon. Ona T. Wang
United States Magistrate Judge
500 Pearl Street
New York, NY 10007

Re: *In re Application of Vale S.A.*,
20-mc-199-JGK-OTW (S.D.N.Y.)

Dear Judge Wang:

Please see enclosed letter in response to the January 11, 2022, letter from Joseph Z. Hellerstein, counsel for Perfectus Real Estate Corporation (ECF 118).

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Matias Gallego-Manzano
Matias Gallego-Manzano



BRYAN CAVE LEIGHTON PAISNER LLP
1155 F Street NW
Washington DC 20004 1357
T: +1 202 508 6000
F: +1 202 508 6200
bclplaw.com

Douglas E. Winter
Of Counsel / Director of Analytics Review Technology
Direct: +1 202 508 6072
Fax: +1 202 220 7372
dewinter@bclplaw.com

January 12, 2022

via ECF

The Honorable Ona T. Wang, United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York NY 10007

Re: *In re Application of Vale S.A.*, No. 20-mc-199-JGK-OTW (S.D.N.Y.)

Dear Judge Wang:

This will respond to the January 11, 2022, letter to the Court from Joseph Z. Hellerstein, counsel for Perfectus Real Estate Corporation (ECF-118). Mr. Hellerstein requests that “a subpoena be issued to Bryan Cave [Leighton Paisner LLP] to provide information regarding the matters outlined by Vale in its request for a deposition of Perfectus.” The request should be denied.

On January 6, 2022, this Court authorized counsel for Vale, S.A., *et al.*, to take a Rule 30(b)(6) deposition of Perfectus. Rule 30(b)(6) provides that, in response to a notice of deposition or subpoena directed to an organization, “[t]he named organization must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf....”

Bryan Cave Leighton Paisner LLP (“BCLP”) does not consent to testify on Perfectus’ behalf.

BCLP is not, as Mr. Hellerstein represents, the “most knowledgeable regarding the [Perfectus] document production.” Indeed, we have no knowledge about that production.

BCLP terminated its attorney-client relationship with Perfectus in October 2018. Proskauer Rose LLP represented Perfectus when Vale issued its subpoena to Perfectus in 2020. BCLP did not respond to that subpoena and did not produce any documents on Perfectus’ behalf. Instead, at Proskauer’s request, BCLP transferred Perfectus client records in its custody to Proskauer *en masse*. BCLP made no determination of whether any of those records were responsive to the subpoena. BCLP made no determination of whether any of those records should be withheld on the basis of privilege or for any other reason.

The Honorable Ona T. Wang
January 12, 2022
Page 2



It is our understanding from the public record of this matter that, acting on Perfectus' behalf, Proskauer – and later, Hellerstein & Company – produced responsive documents to Vale counsel. But we do not know what documents these law firms produced or what documents they may have withheld as privileged or for some other reason.

Moreover, Vale's request that the Court compel a deposition of Perfectus (ECF-117) shows that Vale's concerns – and its justifications for the deposition – involve Perfectus' failure to produce documents from sources other than BCLP and/or matters that took place after BCLP concluded its relationship with Perfectus in October 2018. In the words of Vale counsel:

- “Several categories previously identified to the Court by Vale remain missing from these productions, including: nearly all correspondence that did not involve BCLP and native files and/or their attachments for nearly half of the newly produced documents.”
- “Perfectus still has not produced any financial statements for 2019 to the present.”
- “A glaring flaw in Perfectus's productions is that the produced correspondence comes almost entirely from the files of BCLP custodians, and not from Perfectus or its sole employee and director, Mr. Blackstock. Perfectus's current counsel confessed that nobody ran search terms on Mr. Blackstock's files, declaring that such a search would be unnecessarily burdensome and beyond counsel's technical expertise.”
- “Given that BCLP resigned as Perfectus's counsel in October 2018, Perfectus produced no documents from the subsequent three years except for certain legacy issues that required further consultation with BCLP.”
- “[T]he latest productions confirm that there are aspects of Perfectus's activities for which Mr. Blackstock would have been the sole custodian.”

For these reasons, the request is meritless and should be denied.

Respectfully,

/s/ Douglas E. Winter

Douglas E. Winter